

**WELLS FARGO BANK'S MOTION TO DISMISS DEFENDANTS'  
FRAUD CLAIM**

Plaintiff-Counterclaim Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), through its attorneys Belcher & Boomgaarden LLP, pursuant to USDCLR 7.1 and Fed.R.Civ.P. 12(b)(6), moves to dismiss the Defendants’ Counterclaim for fraud (“Fraud Claim”) because it fails to state a claim on which relief can be granted. As set forth in detail in Wells Fargo’s Memorandum of Law accompanying this Motion, Defendants’ Fraud Claim fails to satisfy the pleading requirements of Fed.R.Civ.P. 9(b) and also otherwise fails to state a valid claim for fraud and therefore should be dismissed.

For the foregoing reasons, Wells Fargo requests that the Court dismiss the Defendants’ Fraud Claim, with prejudice.

DATED this 16<sup>th</sup> day of November, 2012.

/s/ \_\_\_\_\_  
James R. Belcher  
Wyoming Bar # 5-2556  
BELCHER & BOOMGAARDEN LLP  
237 Storey Boulevard, Ste. 110  
Cheyenne, WY 82009  
(307) 426-4105  
ATTORNEYS FOR WELLS FARGO BANK, N.A.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of WELLS FARGO BANK'S MOTION TO DISMISS DEFENDANTS' FRAUD CLAIM was served on Defendants at the time it was filed, by the Court's CM/ECF electronic email system to the following:

Michael D. Greear  
David Clark  
Worrall & Greear, P.C.  
Attorneys for Defendants

/s/ \_\_\_\_\_  
James R. Belcher